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14 *Interim Co-Lead Class Counsel*

15 UNITED STATES DISTRICT COURT  
16 NORTHERN DISTRICT OF CALIFORNIA  
17 SAN FRANCISCO DIVISION

18 IN RE GOOGLE PLAY DEVELOPER  
ANTITRUST LITIGATION

19 Case No. 3:20-cv-05792-JD

20 DEVELOPER PLAINTIFFS'  
ADMINISTRATIVE MOTION TO  
21 PARTIALLY FILE UNDER SEAL FIRST  
AMENDED CONSOLIDATED CLASS  
ACTION COMPLAINT

22 Hon. James Donato

23 *Related Actions:*

24 *Epic Games, Inc. v. Google LLC,*  
No. 3:20-cv-5671-JD  
*In re Google Play Consumer Antitrust*  
*Litigation*, No. 3:20-cv-5761-JD

1           Developer Plaintiffs bring this administrative motion pursuant to Civil Local Rules 7-11 and  
 2 79-5, to partially file under seal the First Amended Consolidated Class Action Complaint for  
 3 Violation of the Sherman and Clayton Acts (15 U.S.C. §§ 1, 2, 3, 15, 26), Cartwright Act (Cal. Bus.  
 4 & Prof. Code §§ 16700 et seq.) and Unfair Competition Law (Cal. Bus. & Prof. Code §§ 17200 et  
 5 seq.) (“Amended Complaint”).

6           Civil Local Rule 79-5 provides that documents, or portions thereof, may be sealed if a party  
 7 “establishes that the documents, or portions thereof, are privileged, protectable as a trade secret or  
 8 otherwise entitled to protection under the law.” Civ. L.R. 79-5(b). Under this standard, a party  
 9 seeking to seal a document generally must overcome the “strong presumption in favor of access” that  
 10 applies to court documents other than those that are traditionally kept secret. *Kamakana v. City &*  
 11 *Cnty. of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006) (citations omitted). However, the “public has  
 12 less of a need for access to court records attached only to non-dispositive motions because those  
 13 documents are often ‘unrelated, or only tangentially related to the underlying cause of action.’” *Id.* at  
 14 1179 (citations omitted). Instead, a “‘good cause’ showing under Rule 26(c) [of the Federal Rules of  
 15 Civil Procedure] will suffice to keep sealed records attached to non-dispositive motions.” *Id.* at 1180;  
 16 *In re NCAA Student-Athlete Name & Likeness Licensing Litig.*, 2013 WL 3014144, at \*1 (N.D. Cal.  
 17 Jun. 17, 2013). A party seeking to seal such material must make a “particularized showing of good  
 18 cause with respect to any individual document.” *San Jose Mercury News, Inc. v. U.S. Dist. Court, N.*  
 19 *Dist. (San Jose)*, 187 F.3d 1096, 1103 (9th Cir. 1999). Sealing requests must also be “narrowly  
 20 tailor[ed].” Civ. L.R. 79-5(b).

21           Subsection (e) of Local Rule 79-5 sets forth procedures that apply when a party seeks to file  
 22 information designated as confidential by an opposing party. This Administrative Motion is based on  
 23 Defendants’ Google LLC, *et al.* (“Google”) designation of information referenced in the Amended  
 24 Complaint identified above as “Confidential” or “Highly Confidential – Attorneys’ Eyes Only”  
 25 under the Stipulated Protective Order (“Protective Order”) in place in this action.<sup>1</sup>

26           Developer Plaintiffs do not at this time take any position on whether the relevant Google  
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28           <sup>1</sup> Stipulated Protective Order, December 10, 2020, ECF Nos. 76-1, 78 in Case No. 3:20-cv-  
 05792-JD.

1 information meets the standard for sealing. Pursuant to subsection (e)(1) of Local Rule 79-5, Google  
2 has four days to file a declaration identifying the designated material they contend is “sealable” (as  
3 defined in Local Rule 79-5(b)).

4  
5 DATED: July 21, 2021

Respectfully submitted,

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*Interim Co-Lead Class Counsel*